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and is not binding precedent of the Board**

Paper 29

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JOHN M. CLOUGH, CHRISTOPHER R.A. GODFREY,  
PAUL J. deFRAINE and IAN R. MATTHEWS,  
Junior Party<sup>1</sup>,  
(Patent 5,342,837),

**v.**

SIEGBERT BRAND, UWE KARDORFF, REINHARD KIRSTGEN,  
BERND MUELLER, KLAUS OBERDORF, HUBERT SAUTER,  
GISELA LORENZ, EBERHARD AMMERMAN,  
CHRISTOPH KUENAST and ALBRECHT HARREUS,  
Junior Party<sup>2</sup>,  
(Application 08/328,516),

**v.**

JOHN M. CLOUGH, CHRISTOPHER R.A. GODFREY,  
PAUL J. deFRAINE and IAN R. MATTHEWS,  
Senior Party<sup>3</sup>,  
(Application 08/282,392).

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Patent Interference No. 103,745

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Before: CAROFF, PATE and HANLON, Administrative Patent Judges.

CAROFF, Administrative Patent Judge.

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<sup>1</sup> Patent 5,342,837, granted August 30, 1994 based on Application 08/007,706 filed January 22, 1993. Assignor to ZENECA, Ltd.

<sup>2</sup> Application 08/328,516, filed October 25, 1994. Assignor to BASF Aktiengesellschaft, Germany.

<sup>3</sup> Application 08/282,392, filed July 28, 1994. Assignor to ZENECA, Ltd.

## **JUDGMENT**

Whereas the junior party, Clough et al., has failed to file a response to the Order to Show Cause of December 20, 2000 (Paper No. 26) within the time set therefor, pursuant to that Order judgment is hereby entered as follows:

## **JUDGMENT**

Judgment as to the subject matter of the sole count in issue is hereby awarded to Brand et al., the senior party.

Accordingly, Clough et al. (Patent 5,342,837) are not entitled to their patent claims 1-10 corresponding to the count and, also, are not entitled to claims 1, 6, 7, 9 and 11-15 of their application 08/282,392 which correspond to the count.

On the record before us, Brand et al. are entitled to a patent containing their claims 9 and 13-26 corresponding to the count.

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Administrative Patent Judge	)	

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